AE 3624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants:	Crabtree et al.	:	Group Art Unit: 3624
Serial No.:	09/752,204	:	Examiner: Alain L. Bashore
Filed:	12/29/2000	:	Appeal No.:

Title: PUBLIC HUB EMPLOYING A TRUSTED AGENT TO FACILITATE THE EXCHANGE OF COMMODITIES

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Brief of Appellants

Dear Sir:

This is an appeal from a final rejection, dated January 11, 2005, rejecting all pending claims, i.e., claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101. This Appeal Brief is accompanied by a transmittal letter authorizing the charging of Appellants' deposit account for payment of the requisite fee set forth in 37 C.F.R. §1.17(c).

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Appellants' Brief is being filed after the effective date of the final BPAI Rules, September 13, 2004, and, therefore, the format and content of Appellants' Brief is in compliance with the requirements set forth in 37 C.F.R. §41.37(c). If Appellants' Brief does not comply with the requirements set forth in 37 C.F.R. §41.37(c), Appellants request notification of the reason for noncompliance and the opportunity to file an amended Brief pursuant to 37 C.F.R. §41.37(d).

Real Party in Interest

This application is assigned to **International Business Machines Corporation** by virtue of an assignment executed by the co-inventors on March 7, 2001 and March 8, 2001; and recorded with the United States Patent and Trademark Office at reel 011701, frame 0048, on April 11, 2001. Therefore, the real party in interest is **International Business Machines Corporation**.

Related Appeals and Interferences

To the knowledge of the Appellants, Appellants' undersigned legal representative, and the assignee, there are no other appeals or interferences, which will directly affect or be directly affected by or have a bearing on the Board's decision in the instant appeal.

Status of Claims

This patent application was filed on December 29, 2000, with the U.S. Patent and Trademark Office. As filed, the application included one hundred & one (101) claims, eight (8) of which were independent (i.e., claims 1, 24, 34, 57, 67-69 & 92).

In an initial Office Action dated January 10, 2003, claims 1-101 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes et al. (U.S. Patent No. 5,970,475; hereinafter Barnes) in view of Meltzer et al. (U.S. Patent No. 6,125,391; hereinafter Meltzer), and further in view of Takriti (U.S. Patent No. 6,021,402; hereinafter Takriti). In Appellants' response dated April 10, 2003, claims 1, 2, 6, 12, 14, 15, 17, 20, 22, 24, 32-35, 39, 45, 47, 48, 50, 53, 55, 57, 65-70, 74, 80, 82, 83, 85, 88, 90, 92, 100 & 101 were amended, and new claim 102 was added.

In a final Office Action dated June 18, 2003, claims 1-102 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes in view of Meltzer in view of Takriti, and further in view of Rosen (U.S. Patent No. 6,205,436; hereinafter Rosen). In Appellants' response mailed August 15, 2003, claims 1, 3, 24, 34, 36, 57, 67-69, 71 & 92 were amended, and claims 2, 6, 11, 35, 39, 44, 70, 74, 79 & 102 were canceled.

Appellants received an Advisory Action dated August 29, 2003, which indicated that the Response mailed August 15, 2003 would not be entered because the Response raised new issues that would require further consideration and/or search. In response, Appellants mailed a Request for Continued Examination on September 11, 2003, requesting that the previously submitted Amendment of August 15, 2003 be entered and considered.

In a new Office Action mailed November 12, 2003, claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes in view of Meltzer and further in view of Fox et al. (U.S. Patent No. 6,560,581; hereinafter Fox). Additionally, claims 69-101 were rejected under 35 U.S.C. §101 for failing to define a functionality comprising a concrete and tangible result. In Appellants' response mailed March 9, 2004, with a One Month Extension of Time Request, claims 1, 24, 34, 57, 67-69 & 92 were amended.

In a next Office Action mailed June 1, 2004, claims 1, 24, 34-69 & 92 were rejected under 35 U.S.C. §112, second paragraph, and claims 1-33 were rejected under 35 U.S.C. §101. Additionally, claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes in view of Meltzer in view of Fox, and further in view of Haddad et al. (U.S. Published Application No. US 2003/0208433; hereinafter Haddad) or Johnson et al. (U.S. Patent No. 6,598,029; hereinafter Johnson). In Appellants' response mailed October 1, 2004, claims 1, 24, 34, 36-38, 40-43, 45-69 & 92 were amended.

In the final Office Action dated January 11, 2005, claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101 were again rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes in view of Meltzer in view of Fox and further in view of Haddad or Johnson.

A Notice of Appeal to the Board of Patent Appeals and Interferences was mailed on February 18, 2005. The Notice of Appeal was received at the U.S. Patent and Trademark on February 22, 2005. The status of the claims is therefore as follows:

Claims allowed – none;

Claims objected to – none;

Claims rejected – 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101; and

Claims canceled – 2, 6, 11, 35, 39, 44, 70, 74, 79 & 102.

Appellants are appealing the rejection of claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101.

Status of Amendments

Appellants proffered no amendments responsive to the final Office Action dated January 11, 2005. The claims as set out in the Appendix include all prior entered claim amendments.

Summary of Claimed Subject Matter

Appellants herein claim a computer implemented method (independent claims 1 & 24), an apparatus (independent claims 34, 57, 67 & 68), and a program storage device (independent claims 69 & 92) for facilitating the exchange of commodities. In Appellants' recited invention, an automated public business trading hub 412 is utilized by a buyer entity 408 and a seller entity 410 in the public exchange of one or more commodities (see FIG. 4A). The buyer entity, the seller entity and the public business trading hub are each separate and independently owned. An automated trusted agent 402, 404, 406 is provided for performing one or more private business functions associated with the public exchange of the one or more commodities between the buyer entity and the seller entity using the public business trading hub. The one or more private business functions include managing in private at least one of: (i) one or more pricing terms associated with the public exchange; (ii) one or more contract terms associated with the public exchange; (iii) one or more business terms associated with supply and demand of commodities associated with the public exchange; and (iv) one or more product schedules associated with the

public exchange. As recited by Appellants, the automated trusted agent is electronically coupled to the public business trading hub and is separate from the buyer entity, the seller entity and the public business trading hub. Employing the automated trusted agent, details of one or more private business functions performed by the automated trusted agent remain unknown to other entities accessing the public business trading hub. (See page 8, line 6 – page 22, line 14, as well as FIGS. 4A-7.)

Grounds of Rejection to Be Reviewed On Appeal

1. Whether claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101 were rendered obvious under 35 U.S.C. §103(a) to one of ordinary skill in the art by Barnes in view of Meltzer in view of Fox, and further in view of Haddad or Johnson.

Argument

I. Rejection under 35 U.S.C 103(a) over U.S. Patent No. 5,970,475 (to Barnes) in view of U.S. Patent No. 6,125,391 (to Meltzer) in view of U.S. Patent No. 6,560,581 (to Fox), and further in view of U.S. Published Application No. US 2003/0208433 A1 (to Haddad) or U.S. Patent No. 6,598,029 (to Johnson)

A. Claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101:

Reversal of the rejection to claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101 as obvious over Barnes in view of Meltzer in view of Fox, and further in view of Haddad or Johnson is respectfully requested.

Advantageously, Appellants' invention allows an automated trusted agent (performing one or more of the recited business functions of the independent claims) to add private relationships (and hierarchical authority) to a public business trading hub, thereby allowing for example, selected mission critical aspects of a fulfillment process (e.g., confidential preferential pricing terms) to be shielded from certain entities while allowing non-critical information in the exchange of commodities to freely flow between entities via a public business trading hub.

Appellants' independent claims recite, in part, performing one or more business functions in private (i.e., the automated trusted agent managing in private at least one other business

function (i) through (iv)), and that the buyer (first) entity, seller (second) entity, and public business training hub each are separate and independently owned. In addition, the automated trusted agent is electronically coupled to the public business training hub, and is separate from the buyer entity, the seller entity and the public business training hub. Thus, in Appellants' invention, there are four separate participants in a public exchange of one or more commodities, wherein one or more aspects (i) - (iv) thereof are managed in private. These business aspects or functions include (i) one or more pricing terms; (ii) one or more contract terms; (iii) one or more business terms associated with supply and demand of commodities; and (iv) one or more product schedules, all associated with the public exchange of commodities between the buyer entity and seller entity using the public business trading hub. Appellants respectfully submit that the above-summarized features of the independently claimed invention would not have suggested or implied by Barnes, Meltzer and Fox, alone or in combination with Haddad or Johnson.

Barnes discloses an electronic procurement system that enables a purchasing organization to electronically transact for the purchase and supply of goods/services (see Abstract thereof). The electronic procurement system of Barnes enables corporate purchasers and suppliers to electronically transact for the purchase and supply of goods/services.

Initially, Appellants note that the electronic procurement system in Barnes does not comprise a public business trading hub as the term is described in the present application and understood in the art. The electronic procurement system in Barnes is a captive system to a corporation, and is not a separate independently owned trading hub as recited in the independent claims presented. In Appellants' environment, the buyer entity, the seller entity and the public business trading hub are each separate and independently owned participants in the public commodity exchange transaction. Barnes does not describe such an environment.

Additionally, within such as environment, there is no teaching or suggestion in Barnes of a fourth participant, referred to in Appellants independent claims as an automated trusted agent, which performs one or more of the specific business functions recited therein in private, notwithstanding the public nature of the exchange of commodities via the public business trading hub. Appellants note that the certificate authority described in Barnes does not comprise an automated trusted agent separate from the buyer entity, seller entity and public business trading

hub as recited in the independent claims presented. Further, there is no suggestion or implication in Barnes of an automated trusted agent which performs one or more of Appellants' specified business functions in private during the public exchange of commodities using the public business trading hub. The certificate of authority in Barnes administers a security feature which authenticates buyers and suppliers, but which does not provide one or more of the business aspects (i) – (iv) associated with the public exchange of commodities as recited in the independent claims presented.

Aspects (i) – (iv) in Appellants' amended independent claims recite pricing terms, contract terms, business terms and product schedules, all of which relate to the public exchange of the one or more commodities. These terms and schedules comprise business functions and are a higher level of functions than the authentications discussed in connection with certificate of authority in Barnes. Appellants' invention presupposes a conventional form of authentication and authorization. The concepts recited in the independent claims presented are directed to the business terms and schedules associated with the public exchange of the one or more commodities using the public business trading hub. Thus, Appellants' independent claims each clearly distinguish Appellants' protocol from the authentication processing of Barnes.

The Office Action expressly recognizes that Barnes does not teach a bid network for commodities and a trading architecture such as recited by Appellants. To address this, Meltzer is combined with Barnes.

Meltzer describes an infrastructure for connecting businesses with customers, suppliers and trading partners. Under this infrastructure, companies exchange information using predefined machine-readable documents based on, for example, XML (eXtensable Markup Language) and described by Business Interface Definitions (BIDs) (see column 2, lines 32-54). Appellants respectfully submit that a careful read of Meltzer fails to uncover any suggestion or implication of a technique for addressing a privacy concern with the public exchange of one or more commodities using a public business trading hub.

Specifically, a careful reading of Meltzer fails to uncover any suggestion or implication of an automated trusted agent, which is separate from a buyer entity, a seller entity, and a public

business trading hub, let alone such an agent by which one or more business functions associated with the public exchange are performed in private (i.e., the business functions set forth as (i) – (iv)).

Based on the foregoing, Appellants respectfully submit that Meltzer, like Barnes, fails to teach or suggest Appellants recited environment, as well as the performing of the specific business functions identified by an automated trusted agent. Further, Appellants respectfully submit that Fox does not overcome the above-noted deficiencies of Barnes and Meltzer, as applied to the independent claims presented.

Fox describes an electronic commerce system which facilitates secure electronic commerce transactions. The disclosure of Fox is directed to digital certificates and the encryption of documents which ensures that only the intended recipient can decrypt them.

Appellants respectfully submit that a careful reading of Fox fails to uncover any teaching or suggestion of an automated trusted agent which facilitates the public exchange of commodities within a business public trading hub such as recited by Appellants. Further, a careful reading of Fox fails to uncover any suggestion or implication of the particular business functions managed in private by the automated trusted agent in Appellants' invention. Specifically, Appellants' automated trusted agent manages in private at least of one of: (i) one or more pricing terms; (ii) one or more contract terms; (iii) one or more business terms associated with supply and demand of commodities; and (iv) one or more product schedules, all associated with the public exchange of one or more commodities between a buying entity and a selling entity using the public business trading hub. The digital certificates and the use thereof in Fox would not have suggested to one of ordinary skill in the art managing in private the particular business functions recited by Appellants in the independent claims in association with a public exchange of commodities through a public business trading hub.

The Office Action further recognizes that Barnes, Meltzer and Fox do not disclose a public business trading hub for the public exchange of one or more commodities, wherein the buyer entity, seller entity, and public business trading hub are each separate and independently

owned. The Office Action alleges that the teachings of Haddad or Johnson could be combined with Barnes, Meltzer and Fox to address this deficiency. This assertion is respectfully traversed.

As noted above, and as acknowledged in the Office Action, Barnes, Meltzer and Fox each fail to teach or suggest the existence of a public business trading hub for the public exchange of one or more commodities. To the extent relevant, these patents describe an electronic procurement system that is captive to a particular corporation, and is not a separately owned public trading hub. Because the Barnes, Meltzer and Fox systems are private, they comprise a one to many approach for implementing a business transaction. This approach is contrasted with Appellants' recited environment wherein a public business trading hub is employed for the public exchange of one or more commodities. Appellants' specification sets forth how to implement the exchange of commodities using a public business trading hub in combination with an automated trusted agent that is separate from the buyer entity, seller entity and public business trading hub, and wherein details of one or more private business functions performed by the automated trusted agent are unknown to other entities accessing the public business trading hub. These private business functions include one or more of pricing terms, contract terms, business terms, and product schedules associated with the public exchange of one or more commodities. Thus, Appellants' recited invention solves a need in the art that is simply not addressed by Barnes, Meltzer, Fox, Haddad or Johnson.

Appellants respectfully traverse the combination proposed in the Office Action. Noticeably absent from the Office Action is any express teaching, suggestion or incentive identified in the art for making the proposed combination. The only justification given for the combination of Haddad with Barnes, Meltzer and Fox is that Haddad teaches "trading entity requirements", while the only justification for combining Johnson with Barnes, Meltzer and Fox is that it "teaches competition requirements for trading." Without acquiescing to these characterizations of the Haddad and Johnson patents, Appellants respectfully submit that these justifications do not identify an adequate teaching, suggestion or incentive in the art itself to combine the references as proposed in the Office Action, but rather simply allege inherent benefits in using a public business trading hub for the public exchange of one or more commodities in a business process such as recited by Appellants in the independent claims presented. Appellants respectfully submit that the only suggestion or incentive for combining

the four or five patent teachings is presented in Appellants' own disclosure, which, as is well known, cannot be used as a reference against them.

The consistent criterion for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the claimed process should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. Both the suggestion and expectation of success must be found in the prior art, not in Appellants' disclosure. In this case, the basis for the combination is believed drawn from Appellants' own disclosure, in violation of this principle.

Moreover, none of the applied art, including Haddad and Johnson, teach the existence of an automated trusted agent (performing one or more of the recited business functions of the independent claims) to add private relationships (and hierarchical authority) to a public business trading hub, thereby allowing, for example, selected mission critical aspects of a fulfillment process (e.g., confidential preferential pricing terms) to be shielded from certain entities while allowing non-critical information or terms in the exchange of commodities to freely flow between entities via the automated public business trading hub.

For at least the above reasons, Appellants respectfully request reversal of the obviousness rejection to their pending claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101.

Conclusion

Appellants respectfully request reversal of the rejections set forth in the final Office Action. Appellants respectfully submit that: (1) the final Office Action has misinterpreted the teachings and applicability of the Barnes patent, thus voiding the underlying basis for the rejection; (2) the justifications for combining the various documents are deficient; (3) the documents themselves lack any teaching, suggestion or incentive for their combination as proposed in the final Office Action; and (4) the combination, to the extent characterized in the final Office Action, is a hindsight reconstruction of the claimed invention using Appellants' own disclosed subject matter.

Accordingly, reversal of all rejections is respectfully requested.

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Dated: March 31, 2005

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Appendix

1. A computer-implemented method of facilitating the exchange of commodities, said method comprising:

utilizing by a buyer entity and a seller entity an automated public business trading hub in the public exchange of one or more commodities, wherein the buyer entity, the seller entity and the public business trading hub are each separate and independently owned; and

performing via an automated trusted agent one or more private business functions associated with the public exchange of the one or more commodities between the buyer entity and the seller entity using the public business trading hub, wherein the one or more private business functions include managing in private at least one of:

(i) one or more pricing terms associated with the public exchange;

(ii) one or more contract terms associated with the public exchange;

(iii) one or more business terms associated with supply and demand of commodities associated with the public exchange; and

(iv) one or more product schedules associated with the public exchange, and

wherein the automated trusted agent is electronically coupled to the public business trading hub and is separate from the buyer entity, the seller entity and the public business trading hub, and wherein details of the one or more private business functions performed by the automated trusted agent remain unknown to other entities accessing the public business trading hub.

2. (Canceled)

3. The method of claim 1, wherein the managing of one or more pricing terms includes masking at least one pricing term of the one or more pricing terms to shield the at least one pricing term from one or more entities of the plurality of entities.

4. The method of claim 3, wherein the one or more entities include one or more contract manufacturers.

5. The method of claim 3, wherein the one or more entities include one or more suppliers.

6. (Canceled)

7. The method of claim 1, wherein the performing enables protection of one or more contract terms associated with the exchange from one or more entities of the plurality of entities.

8. The method of claim 7, wherein the protection includes shielding price from one or more entities of the plurality of entities.

9. The method of claim 1, wherein at least one entity of said plurality of entities includes at least one contract manufacturer, and wherein the performing enables controlling allocation of commodities across the at least one contract manufacturer.

10. The method of claim 1, wherein multiple entities of said plurality of entities include multiple suppliers, and wherein the performing enables dividing an order for a plurality of commodities of the exchange among the multiple suppliers.

11. (Canceled)

12. The method of claim 1, wherein the automated trusted agent includes one or more tools utilized in performing the one or more selected business functions.

13. The method of claim 12, wherein the one or more tools include at least one of a purchase order/supply order engine, linked pricing tables, and one or more supply/demand aggregation tools.

14. The method of claim 1, wherein the automated trusted agent is coupled to the public business trading hub.

15. The method of claim 1, wherein the automated trusted agent is a part of the public business trading hub.

16. The method of claim 1, wherein the exchange is based on a buy/sell model.

17. The method of claim 1, wherein one entity of the plurality of entities is an Original Equipment Manufacturer (OEM), and wherein said utilizing the public business trading hub comprises utilizing the public business trading hub by the OEM to obtain a product having at least a portion of the one or more commodities.

18. The method of claim 17, wherein the automated trusted agent enables the OEM to retain control of one or more facets of the exchange.

19. The method of claim 18, wherein the automated trusted agent enables the OEM to retain control of at least one of sensitive information, one or more business processes, and one or more relationships associated with the exchange.

20. The method of claim 1, wherein said utilizing the public business trading hub comprises utilizing the public business trading hub in a networked environment.

21. The method of claim 1, wherein the plurality of entities comprises one or more contract manufacturers and one or more suppliers.

22. The method of claim 21, wherein the performing one or more selected business functions associated with the exchange of the one or more commodities via the automated trusted agent comprises:

placing an order for the one or more commodities with at least one supplier of the one or more suppliers, the order representing a request from at least one contract manufacturer of the one or more contract manufacturers;

handling one or more invoices received from the at least one supplier; and

invoicing the at least one contract manufacturer requesting the one or more commodities.

23. The method of claim 22, wherein the plurality of entities further comprises an Original Equipment Manufacturer (OEM) requesting one or more products from the one or more contract manufacturers, and wherein the performing further comprises forwarding to the OEM a price differential, if any, resulting from a difference in the one or more invoices received from the at least one supplier and the invoicing of the at least one contract manufacturer.

24. A computer-implemented method of facilitating the exchange of commodities, said method comprising:

requesting by a first entity of a plurality of entities associated with an automated public business trading hub to obtain one or more commodities of a product, said one or more commodities to be obtained from one or more second entities of the plurality of entities via a public exchange using the public business trading hub which is separate and independently owned from the plurality of entities;

using an automated trusted agent to interface between said first entity and said one or more second entities, wherein one or more aspects associated with the public exchange of said one or more commodities are controlled in private by said automated trusted agent, and wherein the automated trusted agent comprises one entity of the plurality of entities, and wherein the one or more aspects controlled in private by the automated trusted agent include at least one of:

one or more pricing terms associated with the public exchange of said one or more commodities;

one or more contract terms associated with the public exchange of said one or more commodities;

one or more business terms associated with supply and demand of commodities associated with the public exchange of said one or more commodities;

one or more product schedules associated with the public exchange of said one or more commodities; and

wherein the automated trusted agent is separate and independently owned from the first entity, the one or more entities, and the public business trading hub, and wherein details of the one or more aspects of the public exchange controlled in private by the automated trusted agent remain unknown to other entities of the plurality of entities associated with the public business trading hub.

25. The method of claim 24, wherein the one or more aspects include invoicing associated with the one or more commodities.

26. The method of claim 24, wherein the first entity is a contract manufacturer and the one or more second entities are one or more suppliers.

27. The method of claim 24, further comprising placing an order for the product at said first entity, by a third entity.

28. The method of claim 27, wherein said third entity is an Original Equipment Manufacturer (OEM), and wherein the automated trusted agent protects for the OEM one or more facets associated with the order.

29. The method of claim 28, wherein the one or more facets include one or more contract terms.

30. The method of claim 29, wherein the one or more contract terms include one or more price terms.

31. The method of claim 28, wherein the one or more facets include at least one of sensitive information, one or more business processes, and one or more relationships associated with obtaining the one or more commodities.

32. The method of claim 24, wherein the automated trusted agent is a part of the public business trading hub.

33. The method of claim 24, wherein the automated trusted agent is coupled to the public business trading hub.

34. An apparatus for facilitating the exchange of commodities, said apparatus comprising:

means for utilizing by a buyer entity and a seller entity a public business trading hub in the public exchange of one or more commodities, wherein the buyer entity, the seller entity and the public business trading hub are each separate and independently owned; and

means for performing via an automated trusted agent one or more private business functions associated with the public exchange of the one or more commodities between the buyer entity and the seller entity using the public business trading hub, wherein the one or more private business functions include managing in private at least one of:

(i) one or more pricing terms associated with the public exchange;

(ii) one or more contract terms associated with the public exchange;

(iii) one or more business terms associated with supply and demand of commodities associated with the public exchange; and

(iv) one or more product schedules associated with the public exchange, and

wherein the automated trusted agent is electronically coupled to the public business trading hub and is separate from the buyer entity, the seller entity and the public business trading hub, and wherein details of the one or more private business functions performed by the automated trusted agent remain unknown to other entities accessing the public business trading hub.

35. (Canceled)

36. The apparatus of claim 34, wherein the managing of one or more pricing terms includes masking at least one pricing term of the one or more pricing terms to shield the at least one pricing term from one or more entities of the plurality of entities.

37. The apparatus of claim 36, wherein the one or more entities include one or more contract manufacturers.

38. The apparatus of claim 36, wherein the one or more entities include one or more suppliers.

39. (Canceled)

40. The apparatus of claim 34, wherein the means for performing enables protection of one or more contract terms associated with the exchange from one or more entities of the plurality of entities.

41. The apparatus of claim 40, wherein the protection includes shielding price from one or more entities of the plurality of entities.

42. The apparatus of claim 34, wherein at least one entity of said plurality of entities includes at least one contract manufacturer, and wherein the means for performing enables controlling allocation of commodities across the at least one contract manufacturer.

43. The apparatus of claim 34, wherein multiple entities of said plurality of entities include multiple suppliers, and wherein the means for performing enables dividing an order for a plurality of commodities of the exchange among the multiple suppliers.

44. (Canceled)

45. The apparatus of claim 34, wherein the automated trusted agent includes one or more tools utilized in performing the one or more selected business functions.

46. The apparatus of claim 45, wherein the one or more tools include at least one of a purchase order/supply order engine, linked pricing tables, and one or more supply/demand aggregation tools.

47. The apparatus of claim 34, wherein the automated trusted agent is coupled to the public business trading hub.

48. The apparatus of claim 34, wherein the automated trusted agent is a part of the public business trading hub.

49. The apparatus of claim 34, wherein the exchange is based on a buy/sell model.

50. The apparatus of claim 34, wherein one entity of the plurality of entities is an Original Equipment Manufacturer (OEM), and wherein said means for utilizing the public business trading hub comprises means for utilizing the public business trading hub by the OEM to obtain a product having at least a portion of the one or more commodities.

51. The apparatus of claim 50, wherein the automated trusted agent enables the OEM to retain control of one or more facets of the exchange.

52. The apparatus of claim 51, wherein the automated trusted agent enables the OEM to retain control of at least one of sensitive information, one or more business processes, and one or more relationships associated with the exchange.

53. The apparatus of claim 34, wherein said means for utilizing the public business trading hub comprises means for utilizing the public business trading hub in a networked environment.

54. The apparatus of claim 34, wherein the plurality of entities comprises one or more contract manufacturers and one or more suppliers.

55. The apparatus of claim 54, wherein the means for performing one or more selected business trading functions associated with the exchange of the one or more commodities via the automated trusted agent comprises:

means for placing an order for the one or more commodities with at least one supplier of the one or more suppliers, the order representing a request from at least one contract manufacturer of the one or more contract manufacturers;

means for handling one or more invoices received from the at least one supplier; and

means for invoicing the at least one contract manufacturer requesting the one or more commodities.

56. The apparatus of claim 55, wherein the plurality of entities further comprises an Original Equipment Manufacturer (OEM) requesting one or more products from the one or more contract manufacturers, and wherein the means for performing further comprises means for forwarding to the OEM a price differential, if any, resulting from a difference in the one or more invoices received from the at least one supplier and the invoicing of the at least one contract manufacturer.

57. An apparatus for facilitating the exchange of commodities, said system comprising:

a first entity of a plurality of entities associated with a public business trading hub to obtain one or more commodities of a product, said one or more commodities to be obtained from one or more second entities of the plurality of entities via a public exchange using the public business trading hub which is separate and independently owned from the plurality of entities; and

an automated trusted agent to interface between said first entity and said one or more second entities, wherein one or more aspects associated with the public exchange of said one or more commodities are controlled in private by said automated trusted agent and wherein the automated trusted agent comprises one entity of the plurality of entities, and

wherein the one or more aspects controlled in private by the automated trusted agent include at least one of:

one or more pricing terms associated with the public exchange of said one or more commodities;

one or more contract terms associated with the public exchange of said one or more commodities;

one or more business terms associated with supply and demand of commodities associated with the public exchange of said one or more commodities; and

one or more product schedules associated with the public exchange of said one or more commodities; and

wherein the automated trusted agent is separate and independently owned from the first entity, the one or more entities, and the public business trading hub, and wherein details of the one or more aspects of the public exchange controlled in private by the automated trusted agent remain unknown to other entities of the plurality of entities associated with the public business trading hub.

58. The apparatus of claim 57, wherein the one or more aspects include means for invoicing associated with the one or more commodities.

59. The apparatus of claim 57, wherein the first entity is a contract manufacturer and the one or more second entities are one or more suppliers.

60. The apparatus of claim 57, further comprising a third entity to place an order for the product at said first entity.

61. The apparatus of claim 60, wherein said third entity is an Original Equipment Manufacturer (OEM), and wherein the automated trusted agent protects for the OEM one or more facets associated with the order.

62. The apparatus of claim 61, wherein the one or more facets include one or more contract terms.

63. The apparatus of claim 62, wherein the one or more contract terms include one or more price terms.

64. The apparatus of claim 61, wherein the one or more facets include at least one of sensitive information, one or more business processes, and one or more relationships associated with obtaining the one or more commodities.

65. The apparatus of claim 57, wherein the automated trusted agent is a part of the public business trading hub.

66. The apparatus of claim 57, wherein the automated trusted agent is coupled to the public business trading hub.

67. An apparatus for facilitating the exchange of commodities, said system comprising:

a public business trading hub used by a buyer entity and a seller entity in the public exchange of one or more commodities, wherein the buyer entity, the seller entity and the public business trading hub are each separate and independently owned; and

an automated trusted agent to perform one or more private business functions associated with the public exchange of the one or more commodities between the buyer entity and the seller entity using the public business trading hub, wherein the one or more private business functions include managing in private at least one of:

(i) one or more pricing terms associated with the public exchange;

(ii) one or more contract terms associated with the public exchange;

(iii) one or more business terms associated with supply and demand of commodities associated with the public exchange;

(iv) one or more product schedules associated with the public exchange, and

wherein the automated trusted agent is electronically coupled to the public business trading hub and is separate from the buyer entity, the seller entity and the public business trading hub, and wherein details of the one or more private business functions performed by the automated trusted agent remain unknown to other entities accessing the public business trading hub.

68. An apparatus for facilitating the exchange of commodities, said system comprising:

means for requesting by a first entity of a plurality of entities associated with a public business trading hub to obtain one or more commodities of a product, said one or more commodities to be obtained from one or more second entities of the plurality of entities via a public exchange using the public business trading hub, which is separate and independently owned from the plurality of entities; and

means for using an automated trusted agent to interface between said first entity and said one or more second entities, wherein one or more aspects associated with the public exchange of said one or more commodities are controlled in private by said automated trusted agent and wherein the automated trusted agent comprises one entity of the plurality of entities; and

wherein the one or more aspects controlled in private by the automated trusted agent include at least one of:

one or more pricing terms associated with the public exchange of said one or more commodities;

one or more contract terms associated with the public exchange of said one or more commodities;

one or more business terms associated with supply and demand of commodities associated with the public exchange of said one or more commodities;

one or more product schedules associated with the public exchange of said one or more commodities; and

wherein the automated trusted agent is separate and independently owned from the first entity, the one or more entities, and the public business trading hub, and wherein details of the one or more aspects of the public exchange controlled in private by the automated trusted agent remain unknown to other entities of the plurality of entities associated with the public business trading hub.

69. At least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of facilitating the exchange of commodities, said method comprising:

utilizing by a buyer entity and a seller entity a public business trading hub in the public exchange of one or more commodities, wherein the buyer entity, the seller entity and the public business trading hub are each separate and independently owned; and

performing via an automated trusted agent one or more private business functions associated with the public exchange of the one or more commodities between the buyer entity and the seller entity using the public business trading hub, wherein the one or more private business functions include managing in private at least one of:

(i) one or more pricing terms associated with the public exchange;

(ii) one or more contract terms associated with public exchange;

(iii) one or more business terms associated with supply and demand of commodities associated with the public exchange; and

(iv) one or more product schedules associated with the public exchange, and

wherein the automated trusted agent is electronically coupled to the public business trading hub and is separate from the buyer entity, the seller entity and the public business trading hub, and wherein details of the one or more private business functions performed by the automated trusted agent remain unknown to other entities accessing the public business trading hub.

70. (Canceled)

71. The at least one program storage device of claim 69, wherein the managing of one or more pricing terms includes masking at least one pricing term of the one or more pricing terms to shield the at least one pricing term from one or more entities of the plurality of entities.

72. The at least one program storage device of claim 71, wherein the one or more entities include one or more contract manufacturers.

73. The at least one program storage device of claim 71, wherein the one or more entities include one or more suppliers.

74. (Canceled)

75. The at least one program storage device of claim 69, wherein the performing enables protection of one or more contract terms associated with the exchange from one or more entities of the plurality of entities.

76. The at least one program storage device of claim 75, wherein the protection includes shielding price from one or more entities of the plurality of entities.

77. The at least one program storage device of claim 69, wherein at least one entity of said plurality of entities includes at least one contract manufacturer, and wherein the performing enables controlling allocation of commodities across the at least one contract manufacturer.

78. The at least one program storage device of claim 69, wherein multiple entities of said plurality of entities include multiple suppliers, and wherein the performing enables dividing an order for a plurality of commodities of the exchange among the multiple suppliers.

79. (Canceled)

80. The at least one program storage device of claim 69, wherein the automated trusted agent includes one or more tools utilized in performing the one or more selected business functions.

81. The at least one program storage device of claim 80, wherein the one or more tools include at least one of a purchase order/supply order engine, linked pricing tables, and one or more supply/demand aggregation tools.

82. The at least one program storage device of claim 69, wherein the automated trusted agent is coupled to the public business trading hub.

83. The at least one program storage device of claim 69, wherein the automated trusted agent is a part of the public business trading hub.

84. The at least one program storage device of claim 69, wherein the exchange is based on a buy/sell model.

85. The at least one program storage device of claim 69, wherein one entity of the plurality of entities is an Original Equipment Manufacturer (OEM), and wherein said utilizing the public business trading hub comprises utilizing the public business trading hub by the OEM to obtain a product having at least a portion of the one or more commodities.

86. The at least one program storage device of claim 85, wherein the automated trusted agent enables the OEM to retain control of one or more facets of the exchange.

87. The at least one program storage device of claim 86, wherein the automated trusted agent enables the OEM to retain control of at least one of sensitive information, one or more business processes, and one or more relationships associated with the exchange.

88. The at least one program storage device of claim 69, wherein said utilizing the public business trading hub comprises utilizing the public business trading hub in a networked environment.

89. The at least one program storage device of claim 69, wherein the plurality of entities comprises one or more contract manufacturers and one or more suppliers.

90. The at least one program storage device of claim 89, wherein the performing one or more selected business functions associated with the exchange of the one or more commodities via the automated trusted agent comprises:

placing an order for the one or more commodities with at least one supplier of the one or more suppliers, the order representing a request from at least one contract manufacturer of the one or more contract manufacturers;

handling one or more invoices received from the at least one supplier; and

invoicing the at least one contract manufacturer requesting the one or more commodities.

91. The at least one program storage device of claim 90, wherein the plurality of entities further comprises an Original Equipment Manufacturer (OEM) requesting one or more products from the one or more contract manufacturers, and wherein the performing further comprises forwarding to the OEM a price differential, if any, resulting from a difference in the one or more invoices received from the at least one supplier and the invoicing of the at least one contract manufacturer.

92. At least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of facilitating the exchange of commodities, said method comprising:

requesting by a first entity of a plurality of entities associated with a public business trading hub to obtain one or more commodities of a product, said one or more commodities to be obtained from one or more second entities of the plurality of entities via a public exchange using the public business trading hub, which is separate and independently owned from the plurality of entities;

using an automated trusted agent to interface between said first entity and said one or more second entities, wherein one or more aspects associated with the public exchange of said one or more commodities are controlled in private by said automated trusted agent and wherein the automated trusted agent comprises one entity of the plurality of entities, and

wherein the one or more aspects controlled in private by the automated trusted agent include at least one of:

one or more pricing terms associated with the public exchange of said one or more commodities;

one or more contract terms associated with the public exchange of said one or more commodities;

one or more business terms associated with supply and demand of commodities associated with the public exchange of said one or more commodities; and

one or more product schedules associated with the public exchange of said one or more commodities; and

wherein the automated trusted agent is separate and independently owned from the first entity, the one or more entities, and the public business trading hub, and wherein details of the one or more aspects of the public exchange controlled in private by the automated trusted agent remain unknown to other entities of the plurality of entities associated with the public business trading hub.

93. The at least one program storage device of claim 92, wherein the one or more aspects include invoicing associated with the one or more commodities.

94. The at least one program storage device of claim 92, wherein the first entity is a contract manufacturer and the one or more second entities are one or more suppliers.

95. The at least one program storage device of claim 92, wherein said method further comprises placing an order for the product at said first entity, by a third entity.

96. The at least one program storage device of claim 95, wherein said third entity is an Original Equipment Manufacturer (OEM), and wherein the automated trusted agent protects for the OEM one or more facets associated with the order.

97. The at least one program storage device of claim 96, wherein the one or more facets include one or more contract terms.

98. The at least one program storage device of claim 97, wherein the one or more contract terms include one or more price terms.

99. The at least one program storage device of claim 96, wherein the one or more facets include at least one of sensitive information, one or more business processes, and one or more relationships associated with obtaining the one or more commodities.

100. The at least one program storage device of claim 92, wherein the automated trusted agent is a part of the public business trading hub.

101. The at least one program storage device of claim 92, wherein the automated trusted agent is coupled to the public business trading hub.

102. (Canceled)

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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No. YOR920000652US1

In Re Application Of: **Crabtree et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/752,204	12/29/2000	Alain L. Bashore	46843	3624	9101

Invention: **PUBLIC HUB EMPLOYING A TRUSTED AGENT TO FACILITATE THE EXCHANGE OF COMMODITIES**

COMMISSIONER FOR PATENTS:

Transmitted herewith ~~is~~ is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **February 18, 2005**

The fee for filing this Appeal Brief is: **$500.00**

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0510 (IBM)**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Kevin P. Radigan
Signature

Dated: **March 31, 2005**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on **March 31, 2005**.
(Date)

Kevin P. Radigan
Signature of Person Mailing Correspondence

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